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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,272	02/29/2000	David B. Kinder	INTL-0315-US (P7998)	1987

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EXAMINER
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SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/515,272

Applicant(s)

KINDER ET AL.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 9, 12-15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (5,604,542) (of record) in view of the PNG Specification, Version 1.0 (of record).

Regarding Claim 1, Dedrick discloses a method comprising transmitting video content (Col. 2, Lines 25-28) and transmitting electronic advertisements (Col. 2, Lines 10-14) comprising graphics (Col. 2, Line 19) in the vertical blanking interval of the video signal (Col. 2, Lines 20-33). The advertisement may be a redeemable coupon (Col. 3, Lines 2-3). Information carried in the VBI signal must be encoded such that the advertisement image is split up into packets (Col. 2, Lines 35-64). The image is subsequently delivered to a receiver one bit at a time in a serial data stream. This reads on the claimed transmitting partial, incomplete portions (packets) of a complete viewer incentive image (electronic advertisement including a redeemable coupon) over time in association with the video content (television program). In order to receive all the packets for a particular image, the user must be tuned to the channel carrying the data for a sufficient duration of time. This reads on the claimed incentive images

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accumulating depending on viewing time to form the complete image. What is not disclosed, however, is enabling the partial incomplete portions to be displayed and viewed without displaying the complete incentive image, the extent of the image that is displayed being dependent on the time spent viewing the video content.

In an analogous art, the PNG Specification discloses a bitmap image file format featuring serial streamability and progressive display (Chapter 1, Introduction). This allows the image file to be displayed as it is received over a communication link (Chapter 1, Introduction and Chapter 2.6, Interlaced data order). Such serial streaming and progressive display of image data reads on the claimed enabling the partial incomplete portions of the incentive image to be displayed and viewed without displaying the complete image. In combination with Dedrick, the image data is transported serially in a packetized VBI stream and is received based on the time spent viewing the video content. The PNG Specification is evidence that one of ordinary skill in the art would appreciate the ability to display a partial, incomplete image as it is received over time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick with the progressive display of the PNG Specification in order to "provide the user with a meaningful display much more rapidly."

Regarding Claim 2, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. Dedrick further discloses transmitting portions of a viewer incentive image (advertisement) in association with the content (television program)

includes transmitting the viewer incentive image portions (packetized data) together with the television content in the program's VBI, as stated above.

Regarding Claim 3, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. Dedrick further discloses that transmitting video content includes transmitting video programming (television programming) together with ancillary information (VBI data, See Figures 3-5) and transmitting the viewer incentive image portions (advertisement/coupon) as part of the ancillary information (VBI data) as stated above. As is well known in the art, the VBI may contain closed captioning information as well as other embedded data.

Regarding Claim 9, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. Dedrick further discloses including parsing enhanced content from the video content (decoding the VBI information) and parsing an incentive from the enhanced content (displaying or printing the advertisement, Col. 3, Lines 24-41).

Regarding Claim 12, see Claim 1 above. Dedrick further discloses an electronic system (See Figure 1) with an encoder (14), transmitter (80), receiver (82) and decoder (84). As is well known in the art, such digital computing devices comprise a medium for storing instructions that cause a processor to perform a function. As stated above, the

image is associated with image portions (data packets) that accumulate to create the complete image after an amount of viewing time.

Regarding Claims 13-14, see Claims 2-3 above, respectively.

Regarding Claim 15, Dedrick in view of the PNG Specification disclose an article as stated above in Claim 12. Dedrick further discloses storing instructions that cause a processor-based system such as encoder (14) and transmitter (80) to progressively provide, in the form of a serialized data stream encoded in the television show's VBI, an image portion of an overall incentive image (advertisement/coupon) which may be earned by those viewers who view programming for a given amount of time as stated above in Claim 1.

Regarding Claim 19, see Claim 1 above. Dedrick further discloses a video content receiver (82) and a data decoder (84). The decoder removes the electronic advertisement from the VBI and extracts the transmitted information (Col. 3, Lines 25-28). The decoder therefore reads on the claimed ancillary content receiver. Further disclosed is a transmitter (80).

Regarding Claim 20, see Claim 2 above.

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3. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of the PNG Specification, Version 1 and further in view of Bauminger et al. (Bauminger) (6,681,393) (of record).

Regarding Claim 5, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. What is not disclosed, however, is showing the portion of an incentive image that has not yet been earned. Bauminger discloses an interactive television system for displaying advertisements (Col. 5, Lines 21-34) and accumulating a history of users interactions (Col. 6, Lines 16-49) in order to provide a coupon or prize (Col. 5, Lines 1-7). Bauminger further discloses displaying to the user a portion of an incentive image that has not yet been earned (See Figures 1A and 1B). Bauminger is evidence that ordinary workers in the art would recognize the benefits of prompting users with an unearned portion of an incentive, such as how many times the user is required to participate in a contest to receive a coupon (Col. 5, Lines 32-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick in view of the PNG Specification with the display of an unearned portion of an incentive of Bauminger in order to increase viewer participation and consumption of advertising by encouraging the viewer to participate in more interactive advertising content as disclosed by Bauminger (Col. 5, Lines 32-39).

Regarding Claim 16, see Claim 5 above.

4. Claims 6, 10-11, 17-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of the PNG Specification, Version 1 and further in view of U.S. Patent No. 6,057,872 to Candelore (6,057,872) (of record).

Regarding Claim 6, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. What is not disclosed, however, is progressively providing incentives, which may be collected in a graphical user interface for display. Candelore discloses a system for transmitting digital coupons (Col. 4, Line 63 – Col. 5, Line 5) in order to reward viewer loyalty in a cable television network (Col. 5, Line 26) based on a viewer's consumption of programming (Col. 6, Lines 27-31). Further disclosed is that incentives may be collected in a graphical user interface for display (See Figures 4-5 and Col. 10, Lines 19-45). Candelore is evidence that ordinary workers in the art would appreciate the ability to display a viewer's collected coupons in a graphical user interface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick in view of the PNG Specification with the GUI of Candelore in order to allow a user to manage and spend their accrued coupons immediately.

Regarding Claims 10 and 11, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1 wherein a viewer accrues an incentive image portion by viewing content. What is not disclosed, however, is including a determining whether a viewer is actually viewing the video content and accruing the incentive only after determining that the viewer is actually viewing the content including asking a question in



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the course of the video content to determine that a viewer is present and paying attention. Candelore discloses a method as stated above in Claim 6 wherein the system verifies that the subscriber is present and viewing a program by requiring the subscriber to provide interactive input (Col. 3, Lines 53-62 and Col. 12, Lines 47-56). This reads on the claimed determining whether a viewer is actually viewing a video and accruing the incentive only if the viewer is actually viewing including asking a question in the course of the video content to determine that the viewer is actually present and paying attention. Candelore is evidence that one of ordinary skill in the art would appreciate the ability to ensure a viewer is actually paying attention to programming before providing a reward for watching the programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick in view of the PNG Specification with the verification of Candelore in order to prevent viewers from gaining rewards for advertisements they didn't actually view.

Regarding Claims 17-18, see Claims 10-11 above.

Regarding Claim 21, Dedrick in view of the PNG Specification disclose a system as stated above in Claim 19. What is not disclosed, however, is that the video content and ancillary information are transmitted at separate times. Candelore discloses a system as stated above, wherein the digital coupon information may be transmitted via a separate path from the television programming (Col. 5, Lines 53-55). This reads on the claimed video content and ancillary information being transmitted at separate times.

Candelore is evidence that one of ordinary skill in the art would appreciate the ability to use a separate transmission path for video services and digital coupon information.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dedrick in view of the PNG

Specification with the separate transmission path of Candelore in order to implement a bi-directional network for interactive distribution and feedback or to provide a higher bandwidth transmission channel than VBI for the interactive advertisement information.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of the PNG Specification, Version 1 and further in view of Candelore and Robertson et al. (Robertson) (6,486,895) (of record).

Regarding Claims 7 and 8, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. Further, Dedrick in view of the PNG Specification and further in view of Candelore disclose a method as stated above in Claim 6 wherein incentives are progressively provided in a graphical user interface. What is not disclosed, however, is a graphical user interface, which may be viewed in a virtual book of pages of incentives or enabling the pages to appear to be turned by operating the graphical user interface. Robertson discloses a graphical user interface system that utilizes a book metaphor (See Abstract and Figures 10-12) that enables a user to turn pages (Col. 2, Lines 38-47). Robertson is evidence that ordinary workers in the art would recognize the benefits of displaying electronic data in a book metaphor.

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the invention of Dedrick in view of the PNG Specification and further in view of Candelore with the book metaphor of Robertson in order to allow users to easily access the stored coupon data in a visual way that is natural and easy for them to understand.

### ***Response to Arguments***

6. Applicant's arguments filed 07/21/05 have been fully considered but they are not persuasive.

On page 2, of applicant's response, applicant argues that the cited references have no concept of the "powerful inducement" provided through progressively displayed viewer incentives.

In response to applicant's argument that the cited references have no concept of the "powerful inducement" provided through progressively displayed viewer incentives, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In this case it is noted that the particular display method by applicant, which applicant believes provides a previously unknown benefit, were known and clearly result through the combinations in the rejections above. The fact that the combinations were not made for the same *reason* as applicant does not negate the fact that they result in the claimed invention.

In response to applicant's arguments that there is no motivation to combine the PNG specification with Dedrick, it is noted that the PNG specification explicitly set forth the motivation in that progressively display an image "gives the user a meaningful display much more rapidly." The explicit motivation of more rapidly providing the display to the user is a clear and positive benefit of the PNG specification's progressive display and clear motivation to combine the references.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually

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### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

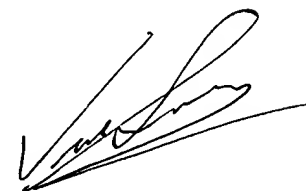
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda  
Patent Examiner  
Art Unit 2617

JS



VIVEK SRIVASTAVA  
PRIMARY EXAMINER